

THIRTY FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia
Saturday, February 10, 2018

The Senate was called to order at 9:02 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Baumgartner and Walsh.

The Sergeant at Arms Color Guard consisting of Mr. Jordan Bratt and Mr. Matthew Griffin, presented the Colors.

Mr. Jordan Bratt led the Senate in the Pledge of Allegiance.

The prayer was offered by Senator Jan Angel of 36th District, Port Orchard.

MOTION

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

February 8, 2018

MR. PRESIDENT:

The House has passed:

- SUBSTITUTE HOUSE BILL NO. 1154,
- SECOND SUBSTITUTE HOUSE BILL NO. 1433,
- SUBSTITUTE HOUSE BILL NO. 1510,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1824,
- SUBSTITUTE HOUSE BILL NO. 2276,
- SUBSTITUTE HOUSE BILL NO. 2287,
- SUBSTITUTE HOUSE BILL NO. 2296,
- SUBSTITUTE HOUSE BILL NO. 2360,
- HOUSE BILL NO. 2374,
- SUBSTITUTE HOUSE BILL NO. 2398,
- SUBSTITUTE HOUSE BILL NO. 2415,
- HOUSE BILL NO. 2443,
- HOUSE BILL NO. 2457,
- SUBSTITUTE HOUSE BILL NO. 2458,
- HOUSE BILL NO. 2465,
- SUBSTITUTE HOUSE BILL NO. 2514,
- HOUSE BILL NO. 2517,
- HOUSE BILL NO. 2523,
- SUBSTITUTE HOUSE BILL NO. 2530,
- SUBSTITUTE HOUSE BILL NO. 2538,
- SUBSTITUTE HOUSE BILL NO. 2557,
- HOUSE BILL NO. 2567,
- SUBSTITUTE HOUSE BILL NO. 2576,
- SUBSTITUTE HOUSE BILL NO. 2590,
- HOUSE BILL NO. 2628,
- SUBSTITUTE HOUSE BILL NO. 2634,
- HOUSE BILL NO. 2641,
- SUBSTITUTE HOUSE BILL NO. 2647,
- HOUSE BILL NO. 2649,
- SUBSTITUTE HOUSE BILL NO. 2667,

- SUBSTITUTE HOUSE BILL NO. 2678,
- HOUSE BILL NO. 2699,
- SUBSTITUTE HOUSE BILL NO. 2703,
- HOUSE BILL NO. 2709,
- SUBSTITUTE HOUSE BILL NO. 2710,
- HOUSE BILL NO. 2725,
- SUBSTITUTE HOUSE BILL NO. 2822,
- SUBSTITUTE HOUSE BILL NO. 2824,
- SUBSTITUTE HOUSE BILL NO. 2887,
- HOUSE BILL NO. 2892,
- HOUSE BILL NO. 2961,
- HOUSE JOINT MEMORIAL NO. 4014,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

February 8, 2018

MR. PRESIDENT:

The House has passed:

- ENGROSSED HOUSE BILL NO. 1031,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1155,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1233,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1622,
- ENGROSSED HOUSE BILL NO. 1849,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2009,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2177,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2362,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2563,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2684,
- ENGROSSED HOUSE BILL NO. 2735,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2802,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

February 9, 2018

MR. PRESIDENT:

The House has passed:

- SECOND SUBSTITUTE HOUSE BILL NO. 1377,
- SECOND SUBSTITUTE HOUSE BILL NO. 1896,
- SUBSTITUTE HOUSE BILL NO. 2282,
- SUBSTITUTE HOUSE BILL NO. 2361,
- SUBSTITUTE HOUSE BILL NO. 2367,
- THIRD SUBSTITUTE HOUSE BILL NO. 2382,
- HOUSE BILL NO. 2529,
- SUBSTITUTE HOUSE BILL NO. 2612,
- SUBSTITUTE HOUSE BILL NO. 2686,
- HOUSE BILL NO. 2694,
- SUBSTITUTE HOUSE BILL NO. 2748,
- HOUSE BILL NO. 2821,
- HOUSE BILL NO. 2832,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SHB 1154 by House Committee on Finance (originally sponsored by Representatives Tarleton, Smith and Santos)

AN ACT Relating to ensuring the competitiveness of Washington state's fishing and seafood processing industries by supporting the recapitalization of fishing fleets through certain tax preferences; amending RCW 82.04.440; adding a new section to chapter 82.04 RCW; creating new sections; and providing an effective date.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

2ESHB 1388 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Rodne, Harris, Macri and Frame)

AN ACT Relating to changing the designation of the state behavioral health authority from the department of social and health services to the health care authority and transferring the related powers, functions, and duties to the health care authority and the department of health; amending RCW 43.20A.025, 43.20A.025, 43.20A.065, 43.20A.433, 43.20A.890, 43.20A.892, 43.20A.893, 43.20A.894, 43.20A.896, 43.20A.897, 74.04.015, 71.05.026, 71.05.026, 71.05.027, 71.05.040, 71.05.100, 71.05.203, 71.05.203, 71.05.214, 71.05.214, 71.05.215, 71.05.240, 71.05.285, 71.05.320, 71.05.320, 71.05.325, 71.05.325, 71.05.330, 71.05.335, 71.05.340, 71.05.340, 71.05.350, 71.05.380, 71.05.435, 71.05.435, 71.05.510, 71.05.520, 71.05.525, 71.05.560, 71.05.560, 71.05.590, 71.05.590, 71.05.590, 71.05.620, 71.05.620, 71.05.720, 71.05.732, 71.05.740, 71.05.745, 71.05.745, 71.05.750, 71.05.750, 71.05.755, 71.05.760, 71.05.801, 71.05.940, 71.24.015, 71.24.030, 71.24.035, 71.24.037, 71.24.045, 71.24.045, 71.24.061, 71.24.100, 71.24.155, 71.24.160, 71.24.215, 71.24.220, 71.24.240, 71.24.300, 71.24.310, 71.24.320, 71.24.330, 71.24.330, 71.24.340, 71.24.350, 71.24.360, 71.24.370, 71.24.380, 71.24.385, 71.24.400, 71.24.405, 71.24.415, 71.24.420, 71.24.430, 71.24.455, 71.24.460, 71.24.470, 71.24.480, 71.24.490, 71.24.500, 71.24.515, 71.24.520, 71.24.525, 71.24.530, 71.24.535, 71.24.540, 71.24.545, 71.24.555, 71.24.565, 71.24.580, 71.24.590, 71.24.595, 71.24.605, 71.24.610, 71.24.615, 71.24.620, 71.24.625, 71.24.630, 71.24.640, 71.24.645, 71.24.650, 71.24.805, 71.24.810, 71.24.850, 71.24.860, 71.24.902, 71.34.010, 71.34.300, 71.34.365, 71.34.375, 71.34.375, 71.34.380, 71.34.385, 71.34.385, 71.34.390, 71.34.395, 71.34.400, 71.34.400, 71.34.405, 71.34.420, 71.34.420, 71.34.600, 71.34.600, 71.34.610, 71.34.630, 71.34.630, 71.34.640, 71.34.720, 71.34.720, 71.34.760, 71.34.760, 71.34.780, 71.34.780, 71.34.780, 71.34.790, 71.36.025, 71.36.040, 71.36.060, 70.96A.011, 70.96A.020, 70.96A.095, 70.96A.097, 70.96A.110, 70.96A.120, 70.96A.140, 70.96A.148, 70.96A.160, 70.96A.180, 70.96A.235, 70.96A.240, 70.96A.245, 70.96A.260, 70.96A.265, 70.96A.915, 70.96B.010, 70.96B.020, 70.96B.030, 70.96B.045, 70.96B.050, 70.96B.070, 70.96B.090, 70.96B.140, 41.05.015, 41.05.021, 41.05A.005, 74.09.050, 74.09.055, 74.09.080, 74.09.120, 74.09.160, 74.09.210, 74.09.220, 74.09.230, 74.09.240, 74.09.260, 74.09.280, 74.09.290, 74.09.315, 74.09.325, 74.09.522, 74.09.530, 74.09.540, 74.09.730, 74.09.780, 74.64.010, 74.66.010, 70.02.010, 70.02.230, 70.02.240, 70.02.250, 70.02.260, 70.02.340, 70.02.350, 43.70.080, 43.59.030, 48.21.180,

48.44.240, 48.46.350, 69.50.540, 2.30.020, 2.30.030, 9.41.300, 9.94A.703, 10.05.040, 10.05.050, 18.205.080, 18.88A.020, 46.61.5056, 72.09.350, 72.09.370, 72.09.370, 72.09.380, 72.09.381, 72.09.585, and 74.34.020; reenacting and amending RCW 71.05.020, 71.05.020, 71.05.215, 71.05.240, 71.05.320, 71.05.425, 71.05.445, 71.24.025, 71.24.025, 71.24.600, 71.34.020, 71.34.020, 71.34.720, 71.36.010, 70.02.010, 70.02.230, 42.56.270, and 46.61.5055; adding new sections to chapter 71.24 RCW; adding new sections to chapter 41.05 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 71.34 RCW; adding new sections to chapter 74.09 RCW; creating new sections; recodifying RCW 43.20A.025, 43.20A.065, 43.20A.433, 43.20A.890, 43.20A.892, 43.20A.893, 43.20A.894, 43.20A.896, and 43.20A.897; decodifying RCW 71.24.065; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

ESHB 1421 by House Committee on Appropriations (originally sponsored by Representatives Smith, Hudgins and Stanford)

AN ACT Relating to the removal of payment credentials and other sensitive data from state data networks; adding a new section to chapter 43.105 RCW; and creating a new section.

Referred to Committee on State Government, Tribal Relations & Elections.

2SHB 1433 by House Committee on Appropriations (originally sponsored by Representatives Stambaugh, Orwall, Haler, Tarleton, Jinkins, Pollet, Stonier, Ryu, Hargrove, Santos and Doglio)

AN ACT Relating to decoupling services and activities fees from tuition; and reenacting and amending RCW 28B.15.069.

Referred to Committee on Higher Education & Workforce Development.

SHB 1510 by House Committee on Technology & Economic Development (originally sponsored by Representatives Tarleton, McDonald, Ryu, Fitzgibbon, Tharinger, Clibborn, Santos and Fey)

AN ACT Relating to port district worker development and occupational training programs; and amending RCW 53.08.245.

Referred to Committee on Higher Education & Workforce Development.

E2SHB 1570 by House Committee on Appropriations (originally sponsored by Representatives Macri, Robinson, McBride, Kagi, Sawyer, Tharinger, Doglio, Pollet, Ortiz-Self, Chapman, Cody, Jinkins, Bergquist, Hudgins, Peterson, Senn, Stonier, Riccelli, Frame, Gregerson, Dolan, Tarleton, Ormsby, Ryu, Fey, Fitzgibbon, Goodman, Slatter, Pettigrew, Kloba, Orwall, Appleton, Clibborn, Farrell and Stanford)

AN ACT Relating to expanding access to homeless housing and assistance; amending RCW 36.22.179, 43.185C.030, 43.185C.040, 43.185C.060, 43.185C.061, 43.185C.160, and 43.185C.240; adding a new section to chapter 43.185C RCW; and creating new sections.

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Referred to Committee on Human Services & Corrections.

E2SHB 1673 by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Doglio, Sells, Gregerson, Ormsby, Macri, Goodman, Frame, Stonier, McBride, Cody, Senn, Ortiz-Self and Pollet)

AN ACT Relating to adding training on public works and prevailing wage requirements to responsible bidder criteria; amending RCW 39.04.350; creating a new section; and providing an effective date.

Referred to Committee on Labor & Commerce.

ESHB 1824 by House Committee on Environment (originally sponsored by Representatives Peterson, Lovick, Kagi, Ortiz-Self, Tarleton, Robinson, Stanford, Ormsby and Doglio)

AN ACT Relating to electronic product recycling; amending RCW 70.95N.010, 70.95N.280, 70.95N.250, 70.95N.060, 70.95N.260, and 70.105.080; and reenacting and amending RCW 70.95N.140.

Referred to Committee on Energy, Environment & Technology.

E2SHB 1831 by House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Macri, Santos, Ortiz-Self, Frame, Kagi, Fitzgibbon, Stanford, Ormsby and Pollet)

AN ACT Relating to revising resource limitations for public assistance; reenacting and amending RCW 74.04.005; and creating a new section.

Referred to Committee on Human Services & Corrections.

SHB 2276 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Eslick, Haler and Young)

AN ACT Relating to notification of wildlife transfer, relocation, or introduction into a new location; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SHB 2287 by House Committee on Public Safety (originally sponsored by Representatives Hayes, Ortiz-Self, Eslick, Ryu, Harmsworth, Sells, Peterson, Van Werven, Pellicciotti, Klippert, Goodman, Kloba, Tarleton, Fey, Santos, Smith, Tharinger, Dolan, Valdez, Stanford, Appleton, Lovick, Doglio, Griffey, Stonier and Gregerson)

AN ACT Relating to establishing a criminal justice system diversion center pilot project; adding a new section to chapter 36.28A RCW; creating a new section; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

ESHB 2295 by House Committee on Transportation (originally sponsored by Representatives Slatter, Fey, McBride, Dolan, Macri and Doglio)

AN ACT Relating to encouraging the use of electric or hybrid-electric aircraft for regional air travel; amending

RCW 47.68.070; adding new sections to chapter 47.68 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Transportation.

SHB 2296 by House Committee on Health Care & Wellness (originally sponsored by Representatives Slatter, Schmick, Cody, Robinson, Dolan, Orwall, Tharinger, Macri, Young, Kloba, Appleton, Jinkins, Ormsby, Pollet and Doglio)

AN ACT Relating to protecting consumers from excess charges for prescription medications; adding a new section to chapter 48.43 RCW; and creating new sections.

Referred to Committee on Health & Long Term Care.

SHB 2360 by House Committee on Public Safety (originally sponsored by Representatives Pellicciotti, Kraft, Dolan, McDonald, Orwall, Hayes, Van Werven, Klippert, Lovick, Kloba, Fey, Tarleton, Johnson, Sawyer, Kirby, Stanford, Reeves, Jinkins, Ryu, Ortiz-Self, Riccelli and Gregerson)

AN ACT Relating to increasing penalties for the crime of patronizing a prostitute; amending RCW 9A.88.110, 9A.88.085, 9A.88.130, 9A.88.140, and 43.43.754; and prescribing penalties.

Referred to Committee on Law & Justice.

HB 2374 by Representatives Hayes, Goodman, Eslick and Haler
AN ACT Relating to donation of unclaimed property by law enforcement agencies; and amending RCW 63.32.050, 63.35.065, and 63.40.060.

Referred to Committee on Law & Justice.

SHB 2398 by House Committee on Judiciary (originally sponsored by Representatives Kilduff, Graves, Jinkins, Sawyer, Pollet, Valdez and Appleton)

AN ACT Relating to jury selection; and amending RCW 2.36.080.

Referred to Committee on Law & Justice.

SHB 2415 by House Committee on Public Safety (originally sponsored by Representatives Chapman, Goodman, Tharinger, Jinkins and Appleton)

AN ACT Relating to access of broadcasters to a geographic area subject to the declaration of a national, state, or local emergency; amending RCW 38.52.010 and 38.52.110; and adding a new section to chapter 38.52 RCW.

Referred to Committee on State Government, Tribal Relations & Elections.

HB 2443 by Representatives Riccelli, Johnson, Cody, Schmick, Kloba, Vick, Ortiz-Self, Peterson, Stonier, Ryu, Tarleton, Haler, Graves, Harris, Stokesbary, Dent, Robinson, Muri, MacEwen, Clibborn, Maycumber, Appleton, Tharinger, Bergquist, Ormsby and Doglio

AN ACT Relating to adding the Washington State University college of medicine to the family medicine residency network; and amending RCW 70.112.010 and 70.112.080.

Referred to Committee on Higher Education & Workforce Development.

HB 2457 by Representatives Goodman and Klippert

AN ACT Relating to timelines in criminal cases involving domestic violence; amending RCW 10.99.050 and 9.95.210; creating a new section; and prescribing penalties.

Referred to Committee on Law & Justice.

SHB 2458 by House Committee on Health Care & Wellness (originally sponsored by Representatives Hayes and Goodman)

AN ACT Relating to developing a short form for death certificates; and amending RCW 70.58.082.

Referred to Committee on Health & Long Term Care.

HB 2465 by Representatives Orwall, McCabe, Griffey, Harmsworth and Haler

AN ACT Relating to modifying the offense of rape in the third degree; amending RCW 9A.44.060; and prescribing penalties.

Referred to Committee on Law & Justice.

ESHB 2472 by House Committee on Commerce & Gaming (originally sponsored by Representatives Vick, Blake, Sawyer, Condotta, Kloba and Young)

AN ACT Relating to ensuring reasonable terms of payment are available to marijuana retailers when contracting with marijuana processors for the purchase of marijuana products; and amending RCW 69.50.395.

Referred to Committee on Labor & Commerce.

SHB 2514 by House Committee on Judiciary (originally sponsored by Representatives Kilduff, Muri, Sawyer, Frame, Jinkins, Gregerson, Valdez, Lovick, Stanford, Pollet, Santos and Stonier)

AN ACT Relating to discriminatory provisions found in written instruments related to real property; amending RCW 49.60.227 and 64.38.028; and providing an effective date.

Referred to Committee on Law & Justice.

HB 2517 by Representatives Stonier, Vick, Kirby and Jenkin

AN ACT Relating to the issuance of penalties for a licensed alcohol manufacturer's ancillary activities; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Labor & Commerce.

HB 2523 by Representatives Hudgins, DeBolt, Kloba, Tarleton, Smith and Morris

AN ACT Relating to the annual reporting requirements for regulated utility and transportation companies; amending RCW 80.04.080 and 81.04.080; and prescribing penalties.

Referred to Committee on Energy, Environment & Technology.

SHB 2530 by House Committee on Appropriations (originally sponsored by Representatives Senn, Graves,

Caldier, Fey, Stonier, Kagi, McBride, Wylie and Doglio)

AN ACT Relating to foster youth health care benefits; amending RCW 74.09.860; and providing an effective date.

Referred to Committee on Health & Long Term Care.

SHB 2538 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives McBride, Barkis, Appleton, Peterson, Springer, Slatter, Gregerson, Kagi, Wylie, Chapman, Senn, Stanford, Kloba and Santos)

AN ACT Relating to exempting impact fees for low-income housing development; reenacting and amending RCW 82.02.090; providing an effective date; and declaring an emergency.

Referred to Committee on Local Government.

SHB 2557 by House Committee on Health Care & Wellness (originally sponsored by Representatives Maycumber, Lovick, Graves, Volz, DeBolt, Stambaugh, Chandler, Cody, Caldier, Fitzgibbon, Senn, Muri, Kretz, Ryu, Smith, Dent, Slatter, Eslick, Stanford, Doglio, Ormsby, Steele, Macri, Riccelli and Young)

AN ACT Relating to bone marrow donation; amending RCW 70.54.280; adding a new section to chapter 46.20 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 2567 by Representatives Shea, Hudgins, McDonald, Pike, Kraft, McCaslin, Volz, Irwin and Taylor

AN ACT Relating to prohibiting the names of county auditors and the secretary of state in their official capacity on election materials; and amending RCW 29A.32.070, 29A.32.241, and 29A.40.091.

Referred to Committee on State Government, Tribal Relations & Elections.

SHB 2576 by House Committee on Local Government (originally sponsored by Representatives Griffey, Springer and McBride)

AN ACT Relating to allowing fire protection district annexations and mergers within a reasonable geographic proximity; and amending RCW 52.04.011, 52.06.090, 52.26.030, 52.04.031, 52.26.020, 52.26.060, and 52.26.300.

Referred to Committee on Local Government.

SHB 2590 by House Committee on Education (originally sponsored by Representatives Ortiz-Self, Harris, Kilduff, Stonier, Lovick, Gregerson, McBride, Fitzgibbon, Peterson, Valdez, Stanford, Doglio and Macri)

AN ACT Relating to the transitional bilingual instruction program; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

HB 2628 by Representatives Fey, Stambaugh and Jinkins

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AN ACT Relating to the compensation of commissioners of certain metropolitan park districts; and amending RCW 35.61.150.

Referred to Committee on Local Government.

SHB 2634 by House Committee on Environment (originally sponsored by Representatives Chapman, Graves, Fitzgibbon, Hayes, Tarleton, Hudgins and McBride)
AN ACT Relating to antifouling paints on recreational water vessels; amending RCW 70.300.005, 70.300.010, and 70.300.020; creating a new section; and declaring an emergency.

Referred to Committee on Energy, Environment & Technology.

HB 2641 by Representatives McCaslin, Hargrove, Shea, Maycumber, Taylor, Holy, Condotta and Young
AN ACT Relating to promoting the use of expert volunteers in career and technical education courses offered in grades seven and eight; and adding a new section to chapter 28A.700 RCW.

Referred to Committee on Early Learning & K-12 Education.

SHB 2647 by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Wylie, Stonier, Hudgins, Tarleton, Macri, Vick, Cody, Clibborn, Harris, Gregerson, Appleton, Fitzgibbon and Doglio)
AN ACT Relating to applying campaign contribution limits to candidates for all special purpose districts authorized to provide freight and passenger transfer and terminal facilities; and amending RCW 42.17A.405.

Referred to Committee on State Government, Tribal Relations & Elections.

HB 2649 by Representatives Barkis, Wilcox, Dolan, Doglio, Nealey, Tarleton and McBride
AN ACT Relating to enhancing the fish, shellfish, and wildlife-related recreational opportunities for a person with a disability; amending RCW 77.15.460 and 77.32.237; and repealing RCW 77.32.238 and 77.32.400.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SHB 2667 by House Committee on Appropriations (originally sponsored by Representatives Macri, McBride, Ormsby, Stanford, Senn, Stonier, Kloba, Jinkins, Gregerson, Appleton, Ortiz-Self, Wylie, Doglio, Pollet, Slatter, Fey, Goodman and Santos)
AN ACT Relating to improving housing stability for people with disabilities and seniors by amending eligibility for the essential needs and housing support and the aged, blind, or disabled assistance programs; amending RCW 74.04.805, 74.62.030, and 43.185C.230; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SHB 2678 by House Committee on Public Safety (originally sponsored by Representatives Tarleton, Hudgins, Jinkins, Ortiz-Self and Irwin)
AN ACT Relating to modifying cybercrime provisions; and amending RCW 9A.90.030 and 9A.90.080.

Referred to Committee on Law & Justice.

HB 2699 by Representatives Stanford, Dent, Blake, Nealey and Eslick
AN ACT Relating to exempting alcohol manufacturers from the food storage warehouse license; and amending RCW 69.10.020.

Referred to Committee on Labor & Commerce.

ESHB 2700 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Valdez, Smith, Stonier, Sawyer, Jinkins, Ortiz-Self and Kagi)
AN ACT Relating to the handling of child forensic interview and child interview digital recordings; amending RCW 26.44.020, 26.44.020, and 26.44.185; reenacting and amending RCW 42.56.240; adding new sections to chapter 26.44 RCW; creating a new section; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SHB 2703 by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Sells, McCabe, Doglio, Dolan, Gregerson and Ortiz-Self)
AN ACT Relating to clarifying hours and wages for education employee compensation claims; amending RCW 50.44.050, 50.44.053, and 50.44.055; and creating new sections.

Referred to Committee on Labor & Commerce.

HB 2709 by Representatives Holy and Bergquist
AN ACT Relating to the authority of the law enforcement officers' and firefighters' plan 2 retirement board to set the salary of the executive director; and amending RCW 43.03.040 and 41.26.717.

Referred to Committee on Ways & Means.

SHB 2710 by House Committee on Business & Financial Services (originally sponsored by Representatives Reeves, Barkis, Kilduff and Graves)
AN ACT Relating to improving the accuracy of the residential real estate disclosure statement associated with the Washington right to farm act by providing a more complete description of the scope of RCW 7.48.305 through references related to working forests; amending RCW 64.06.022; and creating new sections.

Referred to Committee on Financial Institutions & Insurance.

HB 2725 by Representatives Blake, Chandler, Jenkin, Dent, Dye, Chapman, Wylie, Walsh, Ryu, Maycumber, Kretz,

Wilcox, Van Werven, Haler, Steele, Condotta and McDonald

AN ACT Relating to updating agricultural fairs, youth shows, and exhibitions law; amending RCW 15.76.100, 15.76.110, 15.76.115, 15.76.120, 15.76.140, 15.76.150, 15.76.160, and 15.76.170; and repealing RCW 15.76.130.

Referred to Committee on Economic Development & International Trade.

SHB 2822 by House Committee on Judiciary (originally sponsored by Representatives Steele, McBride, Muri, Johnson, Caldier, Valdez, Eslick and Gregerson)

AN ACT Relating to the definition and misrepresentation of service animals; amending RCW 49.60.215 and 7.80.120; reenacting and amending RCW 49.60.040; adding a new section to chapter 49.60 RCW; creating a new section; repealing RCW 49.60.218; prescribing penalties; and providing an effective date.

Referred to Committee on Law & Justice.

SHB 2824 by House Committee on Education (originally sponsored by Representatives Harris, Dolan and Muri)

AN ACT Relating to the exchange and alignment of specific powers, duties, and functions of the superintendent of public instruction and the state board of education; amending RCW 28A.310.020, 28A.195.010, 28A.195.030, 28A.195.060, 28A.230.010, 28A.300.236, 28A.700.070, 28A.655.070, 28A.305.140, 28A.305.140, 28A.300.545, 28A.655.180, 28A.655.180, and 28A.150.250; reenacting and amending RCW 28A.230.097; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.305 RCW; creating new sections; recodifying RCW 28A.305.140; repealing RCW 28A.305.141 and 28A.305.142; providing effective dates; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

SHB 2887 by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Riccelli, Holy, Volz, Ormsby, Shea, McCaslin and Frame)

AN ACT Relating to county commissioner elections; amending RCW 36.32.030, 36.32.050, 29A.76.010, 36.32.055, and 44.05.080; adding new sections to chapter 36.32 RCW; creating new sections; and providing an effective date.

Referred to Committee on Local Government.

HB 2892 by Representatives Lovick, Hayes, Goodman, Klippert, Tarleton, Slatter, McDonald, Frame and Kloba

AN ACT Relating to the mental health field response teams program; adding new sections to chapter 36.28A RCW; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

HB 2961 by Representatives Kraft and Hudgins

AN ACT Relating to election year restrictions on email updates from state legislators; and amending RCW 42.52.185.

Referred to Committee on State Government, Tribal Relations & Elections.

HJM 4014 by Representatives Shea, Fitzgibbon, Wilcox, Tharinger, Dent, Doglio, Buys, Fey, Manweller, Peterson, Maycumber, Ryu, Nealey, Pettigrew, Johnson, Springer, Haler, Lytton, Stokesbary, Smith, Gregerson, Muri, McBride, Kloba and Goodman

Supporting the continued research, development, production, and application of biochar from our forests and agricultural lands.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

PERSONAL PRIVILEGE

Senator King: "Thank you Mr. President. Well you thanked us this morning for being here and I think we ought to thank you and all the people at the rostrum for taking their Saturday morning and contributing to the fine things we are trying to get accomplished here today. So, thank you for your service as well."

REMARKS BY THE PRESIDENT

President Habib: "Thank you Senator and thank you to the Secretary of the Senate and his staff, and these brilliant attorneys who work so hard. And truly everybody who makes this place happen during these short sessions, we do often have to have these extraordinary circumstances of meeting on Saturdays etcetera to meet the cutoff deadlines. So, I really do thank everyone who is working here, who doesn't get the glory or recognition necessarily but we who are here know."

PERSONAL PRIVILEGE

Senator Fain: "Thank you Mr. President. Just as everyone is thanking everyone else, I just want to make it very clear that no one thanks Senator Liias for this."

MOTION

At 9:11 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 9:13 a.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 6180, by Senators Hobbs, Schoesler,

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Takko and King

Defining the planting and harvest dates for purposes of exemptions for agricultural transporters.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Senate Bill No. 6180 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

MOTION

On motion of Senator Fain, Senators Baumgartner and Walsh were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6180.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6180 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6330, by Senators Hobbs and King

Concerning medical certificate requirements for applicants and holders of commercial drivers' licenses and commercial learners' permits.

MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 6330 was substituted for Senate Bill No. 6330 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 6330 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6330.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6330 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6330, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6475, by Senators Hobbs, Palumbo, King, Wagoner, McCoy and Lias

Prohibiting the imposition of regional transit authority property taxes on less than a whole parcel.

MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 6475 was substituted for Senate Bill No. 6475 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 6475 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6475.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6475 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6475, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6175, by Senators Pedersen, Rivers and Mullet

Concerning the Washington uniform common interest ownership act.

MOTIONS

On motion of Senator Pedersen, Substitute Senate Bill No. 6175 was substituted for Senate Bill No. 6175 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pedersen, the rules were suspended, Substitute Senate Bill No. 6175 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen, Angel and Mullet spoke in favor of passage of the bill.

Senator Wilson spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6175.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6175 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Wellman and Zeiger

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Honeyford, Padden, Rivers, Short, Wagoner, Warnick and Wilson

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6175, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6452, by Senators Brown, Frockt, Carlyle, O'Ban, Walsh, Darneille, Miloscia, Kuderer and Saldaña

Expanding the activities of the children's mental health services consultation program.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 6452 was substituted for Senate Bill No. 6452 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 6452 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6452.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6452 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6452, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6566, by Senators Dhingra, Chase, Cleveland, Darneille, Saldaña and Kuderer

Concerning juvenile offenses.

MOTIONS

On motion of Senator Dhingra, Substitute Senate Bill No. 6566 was substituted for Senate Bill No. 6566 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Dhingra, the rules were suspended, Substitute Senate Bill No. 6566 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and O'Ban spoke in favor of passage of the bill.

Senators Short and Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6566.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6566 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Brown, Ericksen, Fortunato, Hawkins, Honeyford, King, Padden, Rivers, Schoesler, Short, Wagoner, Warnick and Wilson

Excused: Senators Baumgartner and Walsh

SUBSTITUTE SENATE BILL NO. 6566, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5935, by Senators Sheldon and Carlyle

Enhancing consumer access, affordability, and quality of

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broadband and advanced telecommunications services.

MOTION

On motion of Senator Sheldon, Second Substitute Senate Bill No. 5935 was substituted for Senate Bill No. 5935 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Sheldon moved that the following striking floor amendment no. 523 by Senator Sheldon be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 35.99 RCW to read as follows:

(1)(a) It is the policy of the state to promote the efficient deployment of small cell facilities and small cell networks, as defined in RCW 80.36.375, infrastructure by offering predictability for wireless service providers so communities across the state have access to wireless communications technologies and create a framework for the deployment of wireless communications services. It is also the policy of the state that cities and towns maintain sufficient authority to manage the public rights-of-way for the health, safety, and welfare of their citizens and the general public.

(b) It is the intent of the legislature that cities and towns may require personal wireless service providers seeking to deploy small cell facilities or small cell networks infrastructure to obtain a master permit or equivalent authority under RCW 35.99.030. Additionally, a city or town may require a wireless service provider to obtain appropriate permits to enter and use the specified right-of-way for the purpose of installing, maintaining, repairing, or removing identified small cell network facilities.

(2) Except as provided for in subsection (7) of this section, cities and towns with a population greater than five thousand shall enact a small cell facility deployment ordinance, or develop a small cell facility deployment policy establishing a process for siting small cell facilities and small cell networks within the right-of-way under this chapter, provided the city or town has received a complete application and application fee for a master permit from a wireless service provider for a small cell facility as defined in RCW 80.36.375.

(3) A city or town may not require an applicant proposing to site a small cell facility on an existing pole or structure to apply for a conditional use permit except where:

(a) Such a proposal would require original installation of a new pole or structure;

(b) Such a proposal would require an existing pole or structure to be extended or replaced at a height more than fifteen feet above the existing height of a pole or structure, except where the applicant can demonstrate that the requested pole height is the minimum needed to achieve necessary safety clearances or the requirement of the pole owner; or

(c) The proposed facility does not meet established design standards for small cell facilities or small cell networks, as defined in RCW 80.36.375.

(4)(a) A city or town that updates an existing small cell facility deployment ordinance or policy, or adopts a small cell facility deployment ordinance or policy must outline the process that personal wireless service providers are required to follow in seeking a master permit to deploy small cell facilities and small cell networks, as defined in RCW 80.36.375.

(b) The small cell facility deployment ordinance or policy must treat service providers in a competitively neutral and nondiscriminatory manner.

(5) The small cell facility deployment ordinance or policy must include initial fees or deposits required for filing the master permit application. The use of a deposit for administrative costs in lieu of a set fee is not prohibited if the final, total administrative fee charged complies with the requirements of RCW 35.21.860. The fee schedule may allow a permit applicant to pay an additional fee for expedited permit processing if the city has deployed such a process. This provision is not intended to require jurisdictions to create an expedited permitting process when one does not already exist.

(6) A small cell facility deployment ordinance or policy may include the following provisions, at the discretion of the city or town: Standards for the installation of small cell facilities and small cell networks, as defined in RCW 80.36.375, on city or town-owned structures located outside of the right-of-way and other terms and conditions for these installations.

(7) A city or town that, as of the effective date of this section, has previously adopted an ordinance or policy, consistent with this act, governing the siting of small cell network infrastructure is not required to adopt or amend a small cell facility deployment ordinance or policy as otherwise required under subsection (2) of this section.

(8) A small cell facility deployment ordinance or policy enacted as required by this section has no effect on previously adopted franchises, permits, or agreements for small cell facilities or small cell networks deployments made or entered into by any city or town.

(9) Nothing in this section limits a city or town from issuing master permits or use permits in accordance with other provisions of this chapter.

(10) Nothing in this section may be construed as creating a duty on cities or towns with a population less than five thousand. However, cities with a population of less than five thousand may adopt a small cell facility deployment ordinance or policy and the provisions under subsection (2) of this section.

Sec. 2. RCW 35.99.010 and 2000 c 83 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Cable television service" means the one-way transmission to subscribers of video programming and other programming service and subscriber interaction, if any, that is required for the selection or use of the video programming or other programming service.

(2) "Facilities" means all of the plant, equipment, fixtures, appurtenances, antennas, and other facilities necessary to furnish and deliver telecommunications services and cable television services, including but not limited to poles with crossarms, poles without crossarms, wires, lines, conduits, cables, communication and signal lines and equipment, braces, guys, anchors, vaults, and all attachments, appurtenances, and appliances necessary or incidental to the distribution and use of telecommunications services and cable television services.

(3) "Master permit" means the agreement in whatever form whereby a city or town may grant general permission to a service provider to enter, use, and occupy the right-of-way for the purpose of locating facilities. This definition is not intended to limit, alter, or change the extent of the existing authority of a city or town to require a franchise nor does it change the status of a service provider asserting an existing statewide grant based on a predecessor telephone or telegraph company's existence at the time of the adoption of the Washington state Constitution to

occupy the right-of-way. For the purposes of this subsection, a franchise, except for a cable television franchise, is a master permit. A master permit does not include cable television franchises.

(4) "Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

(5) "Right-of-way" means land acquired or dedicated for public roads and streets, but does not include:

- (a) State highways;
- (b) Land dedicated for roads, streets, and highways not opened and not improved for motor vehicle use by the public;
- (c) Structures, including poles and conduits, located within the right-of-way;
- (d) Federally granted trust lands or forest board trust lands;
- (e) Lands owned or managed by the state parks and recreation commission; or
- (f) Federally granted railroad rights-of-way acquired under 43 U.S.C. Sec. 912 and related provisions of federal law that are not open for motor vehicle use.

(6) "Service provider" means every corporation, company, association, joint stock association, firm, partnership, person, city, or town owning, operating, or managing any facilities used to provide and providing personal wireless services, telecommunications, or cable television service for hire, sale, or resale to the general public. Service provider includes the legal successor to any such corporation, company, association, joint stock association, firm, partnership, person, city, or town. A personal wireless service provider includes entities providing infrastructure, including but not limited to fiber, conduit, poles, or other structures to another service provider, but does not include electrical utility entities.

(7) "Telecommunications service" means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means for hire, sale, or resale to the general public. For the purpose of this subsection, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. For the purpose of this chapter, telecommunications service excludes the over-the-air transmission of broadcast television or broadcast radio signals.

(8) "Use permit" means the authorization in whatever form whereby a city or town may grant permission to a service provider to enter and use the specified right-of-way for the purpose of installing, maintaining, repairing, or removing identified facilities.

NEW SECTION. Sec. 3. The legislature finds that:

(1) The federal communications commission has adopted a national broadband plan that includes recommendations directed to federal, state, and local governments, including recommendations to:

- (a) Design policies to ensure robust competition and maximizing consumer welfare, innovation, and investment;
- (b) Ensure efficient allocation and management of assets that government controls or influences, such as poles and rights-of-way, to encourage network upgrades and competitive entry;
- (c) Reform current universal service mechanisms to support deployment in high-cost areas; ensuring that low-income Americans can afford broadband; and supporting efforts to boost adoption and utilization; and
- (d) Reform laws, policies, standards, and incentives to maximize the benefits of broadband in sectors that government influences significantly, such as public education, health care, and government operations;

(2) The federal communications commission has also adopted a goal that all of the country's households have affordable access to actual download speeds of at least twenty-five megabits per second and actual upload speeds of at least three megabits per second; that a majority of households have access to speeds of one hundred fifty megabits, respectively; and that every community should have affordable access to at least one gigabit per second broadband service to anchor institutions such as schools, hospitals, and government buildings;

(3) These national goals are presently appropriate for Washington state, and recognizes that as technology advances the goals will require changes over time;

(4) Extensive investments have been made by the telecommunications industry and the public sector, as well as policies and programs adopted to provide affordable broadband services throughout the state, that will provide a foundation to build a comprehensive statewide framework for additional actions needed to advance state's broadband goals.

NEW SECTION. Sec. 4. A new section is added to chapter 43.330 RCW to read as follows:

The definitions in this section apply throughout sections 5 through 8 of this act unless the context clearly requires otherwise.

(1) "Broadband" means networks of deployed telecommunications equipment and technologies necessary to provide high-speed internet access and other advanced telecommunications services.

(2) "Local governments" includes cities, towns, counties, municipal corporations, public port districts, quasi-municipal corporations, and special purpose districts.

(3) "Office" means the governor's office on broadband access.

(4) "Underserved areas" means areas lacking adequate broadband service.

(5) "Unserved areas" means areas without access to broadband.

NEW SECTION. Sec. 5. A new section is added to chapter 43.330 RCW to read as follows:

(1) The governor's office on broadband access is created within the department. The mission of the office is to improve economic vitality, health care access, and education through greater access to broadband services.

(2) The office, in collaboration with the utilities and transportation commission, the office of the chief information officer, and the community economic revitalization board, shall serve as the coordinating body for public and private efforts to ensure statewide broadband access and deployment. The office is responsible for all matters regarding the adoption of statewide broadband access and deployment.

(3) The duties of the office include:

(a) Coordinating with local governments, communities, public and private entities, and consumer-owned and investor-owned utilities to develop strategies and plans for deployment of broadband infrastructure and access to broadband services;

(b) Reviewing existing broadband initiatives, policies, and public and private investments;

(c) Taking comprehensive actions to advance the state's broadband access goals;

(d) Updating the state's goals and standards for broadband service as technological advances become available;

(e) Identifying, on an annual basis, unserved and underserved areas of the state;

(f) Implementing actions necessary to develop and maintain a detailed inventory of the deployment of broadband services, including monitoring and tracking the availability of broadband services and internet speeds across the state, with an emphasis upon identifying and assessing progress made towards achieving

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the goals for internet speeds in unserved and underserved areas;

(g) Developing standards for defining levels of service for broadband access, including unserved and underserved areas, and revising these standards as technological advances are made and services are expanded;

(h) Fostering public sector and telecommunications industry actions to bring sustainable broadband access to areas that are unserved or underserved;

(i) Prioritizing and sequencing delivery of quality broadband service to unserved and underserved areas of the state; and

(j) Coordinating public, private, state, and federal funds or other funds, for deployment of broadband services in underserved and unserved areas of the state.

(4) When developing plans or strategies for broadband deployment, the office must consider:

(a) Partnerships between communities, tribes, nonprofit organizations, consumer-owned and investor-owned utilities, and public and private entities;

(b) Funding opportunities that provide for the coordination of public, private, state, and federal funds for the purposes of making broadband-capable infrastructure or broadband services available to underserved or unserved areas of the state;

(c) Barriers to the adoption of broadband service;

(d) Unserved or underserved populations in the state; and

(e) Requiring minimum broadband access service of twenty-five mbps download speed and three mbps upload speed and faster speeds as technology advances.

(5) By November 1, 2018, the office must develop a list of projects for grant support as authorized under section 7 of this act that will advance high speed broadband access in unserved rural areas of the state. Beginning November 1, 2018, through December 31, 2020, the office must give first priority to projects deploying end-user broadband services in unserved or underserved rural areas of the state.

(6) The office may conduct research as provided under RCW 43.330.050(8) as it applies to the development and deployment of broadband access throughout the state. Information provided to the office in the course of research and analysis is not subject to disclosure subject to RCW 42.56.270(12)(a)(i).

NEW SECTION. Sec. 6. A new section is added to chapter 43.330 RCW to read as follows:

(1) The office may take all appropriate steps to seek federal funding in order to maximize investment in broadband deployment and adoption in the state.

(2) The office may apply for federal funds and other grants or donations and must deposit the funds in the broadband access account created in section 10 of this act.

NEW SECTION. Sec. 7. A new section is added to chapter 43.330 RCW to read as follows:

(1)(a) The office must establish a competitive grant program to assist qualified local governments and tribes to build infrastructure for open access, high speed broadband services, with download speeds of at least twenty-five megabits per second and upload speeds of at least three megabits per second, in unserved and underserved areas of the state.

(b) Eligible uses of grant funds must be prioritized as follows:

(i) Assistance to public and private partnerships deploying broadband infrastructure between areas with broadband service to unserved or underserved areas of the state;

(ii) Broadband deployment projects that are ready to permit and have identified capital costs;

(iii) Countywide or subcounty strategic planning for deploying broadband services in unserved and underserved areas of the state;

(iv) Technical analysis to address barriers and interoperability between private and public infrastructure; and

(v) Assistance to public and private partnerships deploying broadband to improve public safety communications for remote, high-cost counties consisting entirely of islands.

(2) The office must assist applicants with seeking federal funding or matching grants and other grant opportunities for deploying broadband services.

(3) The office must develop rules for grant eligibility and as necessary to implement and administer a grant program. The office may adopt rules under RCW 34.05.350, as necessary, to ensure grants are available as provided under section 5(5) of this act.

(4) The obligation of the department to make grant payments is contingent upon the availability of the amount of funding available for this purpose as required under section 5 of this act.

NEW SECTION. Sec. 8. A new section is added to chapter 43.330 RCW to read as follows:

(1) The office may convene an advisory group to make recommendations on developing a statewide rural broadband strategy to ensure broadband access statewide by January 1, 2026. The advisory committee must conduct a gap analysis on the deployment of broadband services in underserved and unserved areas of the state. The analysis must include a review of:

(a) Deployment of broadband services and deployment strategies by public utility districts, port districts, public and private partnerships, and private entities;

(b) Economic development opportunities that could be realized with access to broadband services; and

(c) Broadband access availability in unserved and underserved areas of the state.

(2) The members of the advisory committee must include experts from the utilities and transportation commission, the office of the chief information officer, and the department of commerce. The office may invite, as necessary, subject matter experts to participate in the advisory group.

NEW SECTION. Sec. 9. A new section is added to chapter 82.32 RCW to read as follows:

(1) Beginning January 1, 2019, the department must:

(a) Estimate the annual amount of taxes paid under chapter 82.04 RCW associated with federal funds received by telecommunications service providers for making broadband-capable infrastructure available to unserved or underserved areas of the state;

(b) Instruct the state treasurer to deposit the estimated amounts in (a) of this subsection into the broadband access account created in section 10 of this act.

(2) Beginning December 1, 2018, and by December 1st each subsequent year, a person receiving federal funding for the purposes of making broadband-capable infrastructure available to underserved or unserved areas of the state must notify the department of the amount of federal funding received for this purpose.

NEW SECTION. Sec. 10. A new section is added to chapter 43.330 RCW to read as follows:

(1) The broadband access account is created in the state treasury. All receipts from sections 6 and 9 of this act must be deposited into the account. Moneys in the account may be spent only after appropriation.

(2) Expenditures from the account may be used only for the expansion of broadband access, including funding grants under section 7 of this act.

Sec. 11. RCW 80.36.135 and 2008 c 181 s 414 are each

amended to read as follows:

(1) The legislature declares that:

(a) Changes in technology and the structure of the telecommunications industry may produce conditions under which traditional rate of return, rate base regulation of telecommunications companies may not in all cases provide the most efficient and effective means of achieving the public policy goals of this state as declared in RCW 80.36.300, this section, and RCW 80.36.145. The commission should be authorized to employ an alternative form of regulation if that alternative is better suited to achieving those policy goals.

(b) Because of the great diversity in the scope and type of services provided by telecommunications companies, alternative regulatory arrangements that meet the varying circumstances of different companies and their ratepayers may be desirable.

(c) Increasing competition from private and public telecommunications providers may require the modification of obligations arising under RCW 80.36.090 in certain markets.

(2) Subject to the conditions set forth in this chapter and RCW 80.04.130, the commission may regulate telecommunications companies subject to traditional rate of return, rate base regulation by authorizing an alternative form of regulation. The commission may determine the manner and extent of any alternative forms of regulation as may in the public interest be appropriate. In addition to the public policy goals declared in RCW 80.36.300, the commission shall consider, in determining the appropriateness of any proposed alternative form of regulation, whether it will:

(a) Facilitate the broad deployment of technological improvements and advanced telecommunications services to underserved areas or underserved customer classes;

(b) Improve the efficiency of the regulatory process;

(c) Preserve or enhance the development of effective competition and protect against the exercise of market power during its development;

(d) Preserve or enhance service quality and protect against the degradation of the quality or availability of efficient telecommunications services;

(e) Provide for rates and charges that are fair, just, reasonable, sufficient, and not unduly discriminatory or preferential; and

(f) Not unduly or unreasonably prejudice or disadvantage any particular customer class.

(3) A telecommunications company or companies subject to traditional rate of return, rate base regulation may petition the commission to establish an alternative form of regulation. The company or companies shall submit with the petition a plan for an alternative form of regulation. The plan shall contain a proposal for transition to the alternative form of regulation and the proposed duration of the plan. The plan must also contain a proposal for ensuring adequate carrier-to-carrier service quality, including service quality standards or performance measures for interconnection, and appropriate enforcement or remedial provisions in the event the company fails to meet service quality standards or performance measures. The commission also may initiate consideration of alternative forms of regulation for a company or companies on its own motion. The commission, after notice and hearing, shall issue an order accepting, modifying, or rejecting the plan within nine months after the petition or motion is filed, unless extended by the commission for good cause. The commission shall order implementation of the alternative plan of regulation unless it finds that, on balance, an alternative plan as proposed or modified fails to meet the considerations stated in subsection (2) of this section.

(4) Not later than sixty days from the entry of the commission's order, the company or companies affected by the order may file with the commission an election not to proceed with the alternative form of regulation as authorized by the commission.

(5) The commission may waive such regulatory requirements under Title 80 RCW for a telecommunications company subject to an alternative form of regulation as may be appropriate to facilitate the implementation of this section. However, the commission may not waive any grant of legal rights to any person contained in this chapter and chapter 80.04 RCW. The commission may waive different regulatory requirements for different companies or services if such different treatment is in the public interest.

(6) Upon petition by the company, and after notice and hearing, the commission may rescind or modify an alternative form of regulation in the manner requested by the company.

(7) The commission or any person may file a complaint under RCW 80.04.110 alleging that a telecommunications company under an alternative form of regulation has not complied with the terms and conditions set forth in the alternative form of regulation. The complainant shall bear the burden of proving the allegations in the complaint.

(8) During a state of emergency declared under RCW 43.06.010(12), the governor may waive or suspend the operation or enforcement of this section or any portion of this section or under any administrative rule, and issue any orders to facilitate the operation of state or local government or to promote and secure the safety and protection of the civilian population.

Sec. 12. RCW 80.36.630 and 2013 2nd sp.s. c 8 s 202 are each amended to read as follows:

(1) The definitions in this section apply throughout this section and RCW 80.36.650 through 80.36.690 and 80.36.610 unless the context clearly requires otherwise.

(a) "Basic residential service" means those services set out in 47 C.F.R. Sec. 54.101(a) (2011), as it existed on the effective date of this section, and mandatory extended area service approved by the commission.

(b) "Basic telecommunications services" means the following services:

(i) Single-party service;

(ii) Voice grade access to the public switched network;

(iii) Support for local usage;

(iv) Dual tone multifrequency signaling (touch-tone);

(v) Access to emergency services (911);

(vi) Access to operator services;

(vii) Access to interexchange services;

(viii) Access to directory assistance; and

(ix) Toll limitation services.

(c) "Broadband service" means communications that provide consumers advanced access to high quality voice, data, graphics, and video offerings.

(d) "Communications provider" means a provider of communications services that assigns a working telephone number to a final consumer for intrastate wireline or wireless communications services or interconnected voice over internet protocol service, and includes local exchange carriers.

~~((d))~~ (e) "Communications services" includes telecommunications services and information services and any combination thereof.

~~((e))~~ (f) "Incumbent local exchange carrier" has the same meaning as set forth in 47 U.S.C. Sec. 251(h).

~~((f))~~ (g) "Incumbent public network" means the network established by incumbent local exchange carriers for the delivery of communications services to customers that is used by communications providers for origination or termination of communications services by or to customers.

~~((g))~~ (h) "Interconnected voice over internet protocol service" means an interconnected voice over internet protocol service that:

~~((a) F:\Journal\2018 - Journal\Journal2018\LegDay034(i).doc)~~

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~~((b))~~ (i) Enables real-time, two-way voice communications; ~~((b))~~ ~~F:\Journal\2018 Journal\Journal2018\LegDay034(ii).doc)~~ (ii) requires a broadband connection from the user's location; ~~((c))~~ ~~F:\Journal\2018 Journal\Journal2018\LegDay034(iii).doc)~~ (iii) requires internet protocol-compatible customer premises equipment; and ~~((d))~~ ~~F:\Journal\2018 Journal\Journal2018\LegDay034(iv).doc)~~ (iv) permits users generally to receive calls that originate on the public network and to terminate calls to the public network.

~~((h))~~ (i) "Program" means the state universal communications services program created in RCW 80.36.650.

~~((i))~~ (j) "Telecommunications" has the same meaning as defined in 47 U.S.C. Sec. 153(43).

~~((j))~~ (k) "Telecommunications act of 1996" means the telecommunications act of 1996 (P.L. 104-104, 110 Stat. 56).

~~((k))~~ (l) "Working telephone number" means a north American numbering plan telephone number, or successor dialing protocol, that is developed for use in placing calls to or from the public network, that enables a consumer to make or receive calls.

(2) This section expires July 1, 2020.

Sec. 13. RCW 80.36.650 and 2016 c 145 s 1 are each amended to read as follows:

(1) A state universal communications services program is established. The program is established to protect public safety and welfare under the authority of the state to regulate telecommunications under Article XII, section 19 of the state Constitution. The purpose of the program is to support continued provision of basic telecommunications services under rates, terms, and conditions established by the commission during the time over which incumbent communications providers in the state are adapting to changes in federal universal service fund and intercarrier compensation support.

(2) Under the program, eligible communications providers may receive distributions from the universal communications services account created in RCW 80.36.690 in exchange for the affirmative agreement to provide continued services under the rates, terms, and conditions established by the commission under this chapter for the period covered by the distribution. The commission must implement and administer the program under terms and conditions established in RCW 80.36.630 through 80.36.690. Expenditures for the program may not exceed five million dollars per fiscal year; provided, however, that if less than five million dollars is expended in any fiscal year, the unexpended portion must be carried over to subsequent fiscal years and, unless fully expended, must be available for program expenditures in such subsequent fiscal years in addition to the five million dollars allotted for each of those subsequent fiscal years.

(3) A communications provider is eligible to receive distributions from the account if:

(a) The communications provider is: (i) An incumbent local exchange carrier serving fewer than forty thousand access lines in the state; or (ii) a radio communications service company providing wireless two-way voice communications service to less than the equivalent of forty thousand access lines in the state. For purposes of determining the access line threshold in this subsection, the access lines or equivalents of all affiliates must be counted as a single threshold, if the lines or equivalents are located in Washington;

(b) The customers of the communications provider are at risk of rate instability or service interruptions or cessations absent a distribution to the provider that will allow the provider to maintain rates reasonably close to the benchmark; and

(c) The communications provider meets any other requirements established by the commission pertaining to the provision of communications services, including basic

telecommunications services.

(4)(a) Distributions to eligible communications providers are based on ~~((a benchmark))~~ criteria established by the commission. ~~((The benchmark is the rate the commission determines to be a reasonable amount customers should pay for basic residential service provided over the incumbent public network. However, if an incumbent local exchange carrier is charging rates above the benchmark for the basic residential service, that provider may not seek distributions from the fund for the purpose of reducing those rates to the benchmark.))~~

(b) To receive a distribution under the program, an eligible communications provider must affirmatively consent to continue providing communications services to its customers under rates, terms, and conditions established by the commission pursuant to this chapter for the period covered by the distribution.

(5) The program is funded from amounts deposited by the legislature in the universal communications services account established in RCW 80.36.690. The commission must operate the program within amounts appropriated for this purpose and deposited in the account.

(6) The commission must periodically review the accounts and records of any communications provider that receives distributions under the program to ensure compliance with the program and monitor the providers' use of the funds.

(7) The commission must establish an advisory board, consisting of a reasonable balance of representatives from different types of stakeholders, including but not limited to communications providers and consumers, to advise the commission on any rules and policies governing the operation of the program.

(8) The program terminates on June 30, ~~((2019))~~ 2020, and no distributions may be made after that date.

(9) This section expires July 1, ~~((2020))~~ 2021.

Sec. 14. RCW 80.36.690 and 2013 2nd sp.s. c 8 s 208 are each amended to read as follows:

(1) The universal communications services account is created in the custody of the state treasurer. Revenues to the account consist of moneys deposited in the account by the legislature and any penalties or other recoveries received pursuant to RCW 80.36.670. Expenditures from the account may be used only for the purposes of the universal communications services program established in RCW 80.36.650 and commission expenses related to implementation and administration of the provisions of RCW 80.36.620 through 80.36.690, and section 212, chapter 8, Laws of 2013 2nd sp. sess. Only the secretary of the commission or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) This section expires July 1, 2020.

Sec. 15. 2013 2nd sp.s. c 8 s 212 (uncodified) is amended to read as follows:

By December 1, ~~((2017))~~ 2019, and in compliance with RCW 43.01.036, the Washington utilities and transportation commission must report to the appropriate committees of the legislature, on the following: (1) Whether funding levels for each small telecommunications company have been adequate to maintain reliable universal service; (2) the future impacts on small telecommunications companies from the elimination of funding under this act; (3) the impacts on customer rates from the current level of funding and the future impacts when the funding terminates under this act; and (4) the impacts on line and service delivery investments when the funding is terminated under this act. The report must also include an analysis of the need for future

program funding and recommendations on potential funding mechanisms to improve availability of communications services, including broadband service, in unserved and underserved areas. Commission expenses related to conducting all analysis in preparation of this report must be expended from the universal communications services account.

NEW SECTION. Sec. 16. A new section is added to chapter 54.16 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Broadband" means networks of deployed telecommunications equipment and technologies necessary to provide high-speed internet access and other advanced telecommunications services.

(b) "Inadequate" means internet retail service that does not meet one hundred percent of the standards detailed in the service level agreement.

(c) "Partnership payment structure" means a group of or individual property owners who agree to pay a term payment structure for infrastructure improvements to their property.

(d) "Petition" means a formal written request for retail internet service by property owners on the public utility district broadband network.

(e) "Service level agreement" means a standard agreement, adopted during an open public meeting, between the retail internet service provider and the public utility that describes the required percentage of broadband download and upload speed and system availability, customer service, and transmission time.

(2) Any public utility district that, as of the effective date of this section, provides only water, sewer, and wholesale telecommunications services in a county with an area less than five hundred square miles and is located west of the Puget Sound may provide end-user internet services to end users on the public utility district's broadband network located within the public utility district boundaries only when the existing providers of end-user internet service on the public utility district's broadband network cease to provide end-user service or provide inadequate end-user service as determined in the manner prescribed by this section.

(3) Upon receiving a petition meeting the requirements of subsection (4) of this section, a public utility district board of commissioners may hold up to three meetings to:

(a) Verify the signature or signatures of the property owners on the petition and certify the petition;

(b) Determine and submit findings that the retail internet service available to the petitioners served by the public utility district's broadband network is either nonexistent or inadequate as defined in the service level agreement adopted by the commissioners for all existing internet service providers on the public utility district's broadband network; and

(c) By resolution, authorize the public utility district to provide retail internet service to end users on the public utility district's broadband network.

(4) A petition meets the requirements of subsection (3) of this section if it is delivered to a public utility district board of commissioners, declares that the signatories on the public utility district's broadband network have no or inadequate retail internet service providers, requests the public utility district to provide the retail internet service, and is signed by one of the following:

(a) A majority of a group, including homeowners' associations, of any geographical area within the public utility district, who have developed a partnership payment structure to finance broadband deployment with the public utility district; or

(b) Any individual who has developed a partnership payment structure to finance broadband deployment with the public utility

district.

(5) For the purposes of this section, the adequacy of retail internet service is determined by measuring retail internet service to end users on the public utility district's broadband network and comparing it with service standards in the public utility district service level agreement used for all public utility district network providers. Measurement of the existing retail internet service provider's service must be quantified by measuring the service with speed and capacity devices and software. Additionally, a retail internet service provider may submit its own assessment of its service level for consideration by the commission within thirty days of the first meeting conducted under subsection (3) of this section.

(6) The commissioners of a public utility district may by resolution authorize the public utility district to provide or contract for provision of internet services to end users on the public utility district's broadband network when it is determined that no service or inadequate service exists for the individual or petitioners identified in subsection (4) of this section.

(7)(a) Except as provided in subsection (8) of this section, in case of failure to reach an agreement on the adequacy of retail internet service, the commissioners must request an appointment of an administrative law judge under Title 34 RCW to hear the dispute.

(b) The commissioners must provide a written notice, together with a copy of the dispute, and may require the disputing parties to attend a hearing before the administrative law judge, at a time and place to be specified in the written notice.

(c) The place of any such hearing may be the office of the commissioners or another place designated by the commissioners. The disputed information must be presented at the hearing.

(d) Upon review and consideration of all of the evidence, the administrative law judge must determine if the retail internet service is inadequate or nonexistent as defined in this section. Upon making a determination, the administrative law judge must state findings of fact and must issue and file a determination with the commissioners.

(8) If a provider of end-user service is a company regulated by the utilities and transportation commission, the company may choose to have the commission resolve disputes concerning the service level agreement under the process established in RCW 54.16.340. For the purposes of this subsection, "company" includes subsidiaries or affiliates.

(9) Any public utility district providing cable television service under this section must secure a cable television franchise, pay franchise fees, and any applicable taxes to the local cable franchise authority as required by federal law.

(10) Except as provided in subsection (8) of this section, nothing in this section may be construed or is intended to confer upon the utilities and transportation commission any authority to exercise jurisdiction over locally regulated utilities.

(11) All rates for retail internet services offered by a public utility district under this section must be fair and nondiscriminatory, except the public utility district may set tiers of service charges based on service demands of the end user, including commercial and residential rates.

NEW SECTION. Sec. 17. A new section is added to chapter 34.12 RCW to read as follows:

When requested by the public utility district commissioners, the chief administrative law judge shall assign an administrative law judge to conduct proceedings under section 16 of this act.

Sec. 18. RCW 53.08.370 and 2000 c 81 s 7 are each amended to read as follows:

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(1) A rural port district in existence on June 8, 2000, a port district located in a county that borders a foreign nation, and a port district located in a county that borders the Columbia river that has completed feasibility studies for a wholesale telecommunications network, may construct, purchase, acquire, develop, finance, lease, license, handle, provide, add to, contract for, interconnect, alter, improve, repair, operate, and maintain any telecommunications facilities within or without the district's limits for the following purposes:

(a) For the district's own use; and

(b) For the provision of wholesale telecommunications services within the district's limits. Nothing in this subsection shall be construed to authorize rural port districts to provide telecommunications services to end users.

(2) Except as provided in subsection (7) of this section, a rural port district providing wholesale telecommunications services under this section shall ensure that rates, terms, and conditions for such services are not unduly or unreasonably discriminatory or preferential. Rates, terms, and conditions are discriminatory or preferential when a rural port district offering such rates, terms, and conditions to an entity for wholesale telecommunications services does not offer substantially similar rates, terms, and conditions to all other entities seeking substantially similar services.

(3) When a rural port district establishes a separate utility function for the provision of wholesale telecommunications services, it shall account for any and all revenues and expenditures related to its wholesale telecommunications facilities and services separately from revenues and expenditures related to its internal telecommunications operations. Any revenues received from the provision of wholesale telecommunications services must be dedicated to the utility function that includes the provision of wholesale telecommunications services for costs incurred to build and maintain the telecommunications facilities until such time as any bonds or other financing instruments executed after June 8, 2000, and used to finance the telecommunications facilities are discharged or retired.

(4) When a rural port district establishes a separate utility function for the provision of wholesale telecommunications services, all telecommunications services rendered by the separate function to the district for the district's internal telecommunications needs shall be charged at its true and full value. A rural port district may not charge its nontelecommunications operations rates that are preferential or discriminatory compared to those it charges entities purchasing wholesale telecommunications services.

(5) A rural port district shall not exercise powers of eminent domain to acquire telecommunications facilities or contractual rights held by any other person or entity to telecommunications facilities.

(6) Except as otherwise specifically provided, a rural port district may exercise any of the powers granted to it under this title and other applicable laws in carrying out the powers authorized under this section. Nothing in chapter 81, Laws of 2000 limits any existing authority of a rural port district under this title.

(7) A port district under this section may select a telecommunications company to operate the port district's telecommunications facilities. The company may be the exclusive provider of telecommunications services to end users under terms specified in the contract with the port district. For purposes of this section, "telecommunications company" means any for-profit entity owned by investors that sells telecommunications services to end users. Nothing in this subsection (7) is intended to limit or

otherwise restrict any other authority provided by law.

Sec. 19. 2018 c 2 s 1021 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

CERB Administered Broadband Infrastructure (91000943)

The appropriation in this section is subject to the following conditions and limitations: During the 2017-2019 fiscal biennium, the community economic revitalization board may make grants and loans to local governments and federally recognized tribes to build infrastructure to provide high-speed, open-access broadband service, with a minimum of 25 megabits per second download speed, to rural and underserved communities, for the purpose of economic development.

(1) "Local governments" means cities, towns, counties, municipal corporations, public port districts, quasi-municipal corporations, and special purpose districts.

(2) "Broadband" means networks of deployed telecommunications equipment and technologies necessary to provide high-speed Internet access and other advanced telecommunications services.

(3) The board is authorized to make rural broadband loans to local governments and to federally recognized Indian tribes for the purposes of financing the cost to build infrastructure to provide high-speed, open-access broadband service, to rural and underserved communities, for the purpose of economic development. Grants may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the local government or the federally recognized Indian tribe, and subject to a finding by the board that financial circumstances require grant assistance to enable the project to move forward. However, no more than 25 percent of all financial assistance approved by the board in any biennium may consist of grants to local governments and federally recognized Indian tribes.

(4) Application for funding must be made in the form and manner as the board may prescribe. In making grants or loans the board must conform to the following requirements:

(a) The board may not provide financial assistance:

(i) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(ii) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state.

(iii) For a project the primary purpose of which is to facilitate or promote gambling.

(iv) For a project located outside the jurisdiction of the applicable local government or federally recognized Indian tribe.

(v) For equipment or facilities which would enable a public entity to provide retail telecommunications services or services that the entity is not authorized by statute to provide.

(vi) For the deployment of publicly-owned telecommunication network infrastructure ("backbone") solely for the sake of creating competitive, publicly-owned telecommunication network infrastructure.

(b) The board may provide financial assistance only(±

~~(i) For projects demonstrating convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made that:~~

~~(A) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board;~~

~~(B) Will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or~~

retention of long-term economic opportunities; and

(C) Is located in a rural community as defined by the board, or a rural county; or

(ii) For a project that does not meet the requirements of (b)(i) of this subsection but is a project that:

(A) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board;

(B) Is part of a local economic development plan consistent with applicable state planning requirements;

(C) Can demonstrate project feasibility using standard economic principles; and

(D) Is located in a rural community as defined by the board, or a rural county;

(e) The board must develop guidelines for local participation and allowable match and activities.

(d) An application must demonstrate local match and local participation, in accordance with guidelines developed by the board.

(e)) for projects located in a rural community as defined by the board, or located in a rural county, that encourage, foster, develop, and improve broadband within the state in order to:

(i) Drive job creation, promote innovation, and expand markets for local businesses; or

(ii) Serve the ongoing and growing needs of local education systems, health care system, public safety system, industries and businesses, governmental operations, and citizens; and

(iii) Improve accessibility for underserved communities and populations.

(c) An application must be approved by the local government and supported by the local associate development organization or local workforce development council or approved by the governing body of the federally recognized Indian tribe.

((f)) (d) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the project.

((g) An application must demonstrate convincing evidence that the median hourly wage of the private sector jobs created after the project is completed will exceed the countywide median hourly wage.

(h) The board must prioritize each proposed project according to:

(i) The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed, but also giving consideration to the unemployment rate in the area in which the jobs would be located;

(ii) The rate of return of the state's investment, including, but not limited to, the leveraging of private sector investment, anticipated job creation and retention, and expected increases in state and local tax revenues associated with the project;

(iii) Whether the proposed project offers a health insurance plan for employees that includes an option for dependents of employees;

(iv) Whether the public facility investment will increase existing capacity necessary to accommodate projected population and employment growth in a manner that supports infill and redevelopment of existing urban or industrial areas that are served by adequate public facilities. Projects should maximize the use of existing infrastructure and provide for adequate funding of necessary transportation improvements;

(v) Whether the applicant's permitting process has been certified as streamlined by the office of regulatory assistance; and

(vi) Whether the applicant has developed and adhered to guidelines regarding its permitting process for those applying for development permits consistent with section 1(2), chapter 231,

Laws of 2007.

(i)) (e) When evaluating and prioritizing projects, the board must give consideration, at a minimum, to the following factors:

(i) The project's value to the community, including evidence of support from affected local businesses and government;

(ii) The project's feasibility, using standard economic principles;

(iii) Commitment of local matching resources and local participation;

(iv) The project's inclusion in a capital facilities plan, comprehensive plan, or local economic development plan consistent with applicable state planning requirements; and

(v) The project's readiness to proceed.

(5) A responsible official of the local government or the federally recognized Indian tribe must be present during board deliberations and provide information that the board requests.

((5)) (6) Before any financial assistance application is approved, the local government or the federally recognized Indian tribe seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

Appropriation:

State Building Construction Account—

State..... \$5,000,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)..... \$0

TOTAL..... \$5,000,000

NEW SECTION. Sec. 20. By July 1, 2019, the governor's office on broadband access created in section 5 of this act must study taxes imposed on the capital costs associated with providing retail broadband service, including taxes paid under chapters 82.08 and 82.12 RCW. The study must include an examination of the impact to broadband deployment if a credit is provided against taxes paid under chapters 82.08 and 82.12 RCW on the capital costs associated with providing retail broadband service telecommunications network transmission equipment located in an underserved area in the state.

NEW SECTION. Sec. 21. The governor's office on broadband access created in section 5 of this act must develop a small cell facility deployment permitting model ordinance for cities and towns. The governor's office on broadband access must consult with cities, counties, and service providers when developing the model ordinance. The model ordinance must be available for cities and towns by September 1, 2018.

NEW SECTION. Sec. 22. The following acts or parts of acts are each repealed:

(1)RCW 43.330.400 (Broadband mapping account—Federal broadband data improvement act funding—Coordination of broadband mapping activities) and 2011 1st sp.s. c 43 s 603 & 2009 c 509 s 2;

(2)RCW 43.330.403 (Reporting availability of high-speed internet—Survey of high-speed internet infrastructure owned or leased by state agencies—Geographic information system map—Rules) and 2011 1st sp.s. c 43 s 604 & 2009 c 509 s 3;

(3)RCW 43.330.406 (Procurement of geographic information system map—Accountability and oversight structure—Application of public records act) and 2011 1st sp.s. c 43 s 605 & 2009 c 509 s 4;

(4)RCW 43.330.409 (Broadband mapping, deployment, and adoption—Reports) and 2011 1st sp.s. c 43 s 606 & 2009 c 509 s 5;

(5)RCW 43.330.412 (Community technology opportunity

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program—Administration—Grant program) and 2011 1st sp.s. c 43 s 607, 2009 c 509 s 6, & 2008 c 262 s 6;

(6)RCW 43.330.415 (Washington community technology opportunity account) and 2011 1st sp.s. c 43 s 608, 2009 c 509 s 8, & 2008 c 262 s 8;

(7)RCW 43.330.418 (Broadband deployment and adoption—Governor's actions—Oversight and implementation by the department) and 2011 1st sp.s. c 43 s 609 & 2009 c 509 s 9; and

(8)RCW 43.330.421 (Advisory group on digital inclusion and technology planning) and 2011 1st sp.s. c 43 s 610 & 2009 c 509 s 10."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 35.99.010, 80.36.135, 80.36.630, 80.36.650, 80.36.690, and 53.08.370; amending 2013 2nd sp.s. c 8 s 212 (uncodified); amending 2018 c 2 s 1021 (uncodified); adding a new section to chapter 35.99 RCW; adding new sections to chapter 43.330 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 34.12 RCW; creating new sections; repealing RCW 43.330.400, 43.330.403, 43.330.406, 43.330.409, 43.330.412, 43.330.415, 43.330.418, and 43.330.421; and providing an expiration date."

MOTION

Senator Ericksen moved that the following floor amendment no. 569 by Senator Ericksen to striking floor amendment no. 523 be adopted:

Beginning on page 12, line 32 of the amendment, strike all of sections 12 through 15 and insert the following:

"**Sec. 12.** RCW 80.36.630 and 2013 2nd sp.s. c 8 s 202 are each amended to read as follows:

(1) The definitions in this section apply throughout this section and RCW 80.36.650 through 80.36.690 and 80.36.610 unless the context clearly requires otherwise.

(a) "Basic residential service" means those services set out in 47 C.F.R. Sec. 54.101(a) (2011) and mandatory extended area service approved by the commission.

(b) "Basic telecommunications services" means the following services:

- (i) Single-party service;
- (ii) Voice grade access to the public switched network;
- (iii) Support for local usage;
- (iv) Dual tone multifrequency signaling (touch-tone);
- (v) Access to emergency services (911);
- (vi) Access to operator services;
- (vii) Access to interexchange services;
- (viii) Access to directory assistance; and
- (ix) Toll limitation services.

(c) "Communications provider" means a provider of communications services that assigns a working telephone number to a final consumer for intrastate wireline or wireless communications services or interconnected voice over internet protocol service, and includes local exchange carriers.

(d) "Communications services" includes telecommunications services and information services and any combination thereof.

(e) "Incumbent local exchange carrier" has the same meaning as set forth in 47 U.S.C. Sec. 251(h).

(f) "Incumbent public network" means the network established by incumbent local exchange carriers for the delivery of communications services to customers that is used by communications providers for origination or termination of communications services by or to customers.

(g) "Interconnected voice over internet protocol service" means

an interconnected voice over internet protocol service that: ~~((a) F:\Journal\2018 - Journal\Journal2018\LegDay034(i).doc))~~ (i) Enables real-time, two-way voice communications; ~~((b) F:\Journal\2018 - Journal\Journal2018\LegDay034(ii).doc))~~ (ii) requires a broadband connection from the user's location; ~~((c) F:\Journal\2018 - Journal\Journal2018\LegDay034(iii).doc))~~ (iii) requires internet protocol-compatible customer premises equipment; and ~~((d) - (iv))~~ (iv) permits users generally to receive calls that originate on the public network and to terminate calls to the public network.

(h) "Program" means the state universal communications services program created in RCW 80.36.650.

(i) "Telecommunications" has the same meaning as defined in 47 U.S.C. Sec. 153(43).

(j) "Telecommunications act of 1996" means the telecommunications act of 1996 (P.L. 104-104, 110 Stat. 56).

(k) "Working telephone number" means a north American numbering plan telephone number, or successor dialing protocol, that is developed for use in placing calls to or from the public network, that enables a consumer to make or receive calls.

(2) This section expires July 1, ~~((2020))~~ 2030.

Sec. 13. RCW 80.36.650 and 2016 c 145 s 1 are each amended to read as follows:

(1) A state universal communications services program is established. The program is established to protect public safety and welfare under the authority of the state to regulate telecommunications under Article XII, section 19 of the state Constitution. The purpose of the program is to support continued provision of basic telecommunications services under rates, terms, and conditions established by the commission ~~((during the time over which incumbent communications providers in the state are adapting to changes in federal universal service fund and intercarrier compensation support))~~ and the provision, enhancement, and maintenance of broadband services, recognizing that the incumbent public network functions to provide all communications services including, but not limited to, voice and broadband services.

(2) Under the program, eligible communications providers may receive distributions from the universal communications services account created in RCW 80.36.690 in exchange for the affirmative agreement to provide continued telecommunications services under the rates, terms, and conditions established by the commission under this chapter and broadband services for the period covered by the distribution. The commission must implement and administer the program under terms and conditions established in RCW 80.36.630 through 80.36.690. Expenditures for the program may not exceed five million dollars per fiscal year; provided, however, that if less than five million dollars is expended in any fiscal year, the unexpended portion must be carried over to subsequent fiscal years and, unless fully expended, must be available for program expenditures in such subsequent fiscal years in addition to the five million dollars allotted for each of those subsequent fiscal years.

(3) A communications provider is eligible to receive distributions from the account if:

(a) The communications provider is: (i) An incumbent local exchange carrier serving fewer than forty thousand access lines in the state; or (ii) a radio communications service company providing wireless two-way voice communications service and broadband services to less than the equivalent of forty thousand access lines in the state. For purposes of determining the access line threshold in this subsection, the access lines or equivalents of all wireline affiliates must be counted as a single threshold, if the lines or equivalents are located in Washington;

(b) The ~~((customers of the communications provider are at risk~~

~~of rate instability or service interruptions or cessations absent a distribution to the provider that will allow the provider to maintain rates reasonably close to the benchmark))~~ communications provider has adopted a plan to provide, enhance, or maintain broadband service in its service area; and

(c) The communications provider meets any other requirements established by the commission pertaining to the provision of communications services, including basic telecommunications services.

(4)(a) Distributions to eligible communications providers are based on ~~((a benchmark established by the commission. The benchmark is the rate the commission determines to be a reasonable amount customers should pay for basic residential service provided over the incumbent public network. However, if an incumbent local exchange carrier is charging rates above the benchmark for the basic residential service, that provider may not seek distributions from the fund for the purpose of reducing those rates to the benchmark))~~ criterion established by the commission.

(b) If the program does not have sufficient funds to fully fund the distribution formula set out in (a) of this subsection, distributions must be reduced on a pro rata basis using the amounts calculated for that year's program support as the basis of the pro rata calculations.

(c) To receive a distribution under the program, an eligible communications provider must affirmatively consent to continue providing communications services to its customers under rates, terms, and conditions established by the commission pursuant to this chapter for the period covered by the distribution.

(5) The program is funded from amounts deposited by the legislature in the universal communications services account established in RCW 80.36.690. The commission must operate the program within amounts appropriated for this purpose and deposited in the account.

(6) The commission must periodically review the accounts and records of any communications provider that receives distributions under the program to ensure compliance with the program and monitor the providers' use of the funds.

~~(7) ((The commission must establish an advisory board, consisting of a reasonable balance of representatives from different types of communications providers and consumers, to advise the commission on any rules and policies governing the operation of the program.~~

~~(8))~~ The program terminates on June 30, ~~((2019))~~ 2029, and no distributions may be made after that date.

~~((9))~~ (8) This section expires July 1, ~~((2020))~~ 2030.

Sec. 14. RCW 80.36.660 and 2013 2nd sp.s. c 8 s 204 are each amended to read as follows:

(1) To implement the program, the commission must adopt rules for the following purposes:

(a) Operation of the program, including criteria for: Eligibility for distributions; use of the funds; identification of any reports or data that must be filed with the commission, including, but not limited to, how a communication provider used the distributed funds; and the communications provider's infrastructure;

(b) Operation of the universal communications services account established in RCW 80.36.690; and

(c) Establishment of the ~~((benchmark))~~ formula used to calculate distributions~~((; and~~

~~(d) Readoption, amendment, or repeal of any existing rules adopted pursuant to RCW 80.36.610 and 80.36.620 as necessary to be consistent with RCW 80.36.630 through 80.36.690 and 80.36.610).~~

(2) This section expires July 1, ~~((2020))~~ 2030.

Sec. 15. RCW 80.36.670 and 2013 2nd sp.s. c 8 s 205 are

each amended to read as follows:

(1) In addition to any other penalties prescribed by law, the commission may impose penalties for failure to make or delays in making or filing any reports required by the commission for administration of the program. In addition, the commission may recover amounts determined to have been improperly distributed under RCW 80.36.650. For the purposes of this section, the provisions of RCW 80.04.380 through 80.04.405, inclusive, apply to all companies that receive support from the universal communications services account created in RCW 80.36.690.

(2) Any action taken under this section must be taken only after providing the affected communications provider with notice and an opportunity for a hearing, unless otherwise provided by law.

(3) Any amounts recovered under this section must be deposited in the universal communications services account created in RCW 80.36.690.

(4) This section expires July 1, ~~((2020))~~ 2030.

Sec. 16. RCW 80.36.680 and 2013 2nd sp.s. c 8 s 206 are each amended to read as follows:

(1) The commission may delegate to the commission secretary or other staff the authority to resolve disputes and make other administrative decisions necessary to the administration and supervision of the program consistent with the relevant statutes and commission rules.

(2) This section expires July 1, ~~((2020))~~ 2030.

Sec. 17. RCW 80.36.690 and 2013 2nd sp.s. c 8 s 208 are each amended to read as follows:

(1) The universal communications services account is created in the custody of the state treasurer. Revenues to the account consist of moneys deposited in the account by the legislature and any penalties or other recoveries received pursuant to RCW 80.36.670. Expenditures from the account may be used only for the purposes of the universal communications services program established in RCW 80.36.650. Only the secretary of the commission or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) This section expires July 1, ~~((2020))~~ 2030."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 26, line 29 of the title amendment, after "80.36.650," insert "80.36.660, 80.36.670, 80.36.680,"

On page 26, line 29 of the title amendment, after "53.08.370;" strike all material through "s 212 (uncodified);"

On page 27, line 2 of the title amendment, after "providing" strike "an expiration date" and insert "expiration dates"

Senator Ericksen spoke in favor of adoption of the amendment to the striking amendment.

Senator Ericksen demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

MOTION

On motion of Senator Liias, further consideration of Second Substitute Senate Bill No. 5935 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5588, by Senators Hasegawa, Saldaña, Chase, Darneille, Schoesler, McCoy, Hobbs, Pedersen, Keiser,

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Hunt, Rolfes, Kuderer, Conway and Frockt

Developing information concerning racial disproportionality.

MOTION

On motion of Senator Hasegawa, Substitute Senate Bill No. 5588 was substituted for Senate Bill No. 5588 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Dhingra moved that the following floor amendment no. 435 by Senator Dhingra be adopted:

On page 3, after line 21, insert the following:

"(b) A table of percentages based on the total number of adult felony sentences reduced to misdemeanors in each crime category, distributed by race and ethnicity;"

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Dhingra spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 435 by Senator Dhingra on page 3, after line 21 to Substitute Senate Bill No. 5588.

The motion by Senator Dhingra carried and floor amendment no. 435 was adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Hasegawa and without objection, floor amendment no. 358 by Senator Hasegawa on page 6, line 4 to Substitute Senate Bill No. 5588 was withdrawn.

On page 6, line 4, after "the", strike "minority and justice commission, in consultation with the sentencing guidelines commission", and insert "Washington institute for public policy, in consultation with the minority and justice commission, the sentencing guidelines commission, and other organizations serving communities of color"

MOTION

Senator Hasegawa moved that the following floor amendment no. 438 by Senator Hasegawa be adopted:

On page 6, after line 2, strike all of section 6, and insert the following:

NEW SECTION. Sec. 6. Subject to availability of amounts appropriated for this specific purpose, the joint legislative audit and review committee, in consultation with the minority and justice commission, sentencing guidelines commission and the Washington state institute for public policy, shall conduct an evaluation of the implementation of this act and submit a report to the appropriate committees of the legislature by December 1, 2020. The report shall include:

(1) Whether the information provided in racial and ethnic impact statements was presented in a clear, concise, and understandable form;

(2) Whether any limitations in transmission of relevant data to the caseload forecast council existed during the pilot project;

(3) The timeliness of the provision of racial and ethnic impact statements under this act;

(4) The cost-effectiveness of the provision of racial and ethnic

impact statements under this act;

(5) The extent to which the racial and ethnic impact statements estimate cumulative changes in disproportionality in the criminal justice system resulting from enacted legislation; and

(6) Recommendations to improve the timeliness and accuracy of the process for preparing and distributing racial and ethnic impact statements.

Senator Hasegawa spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 438 by Senator Hasegawa on page 6, line 2 to Substitute Senate Bill No. 5588.

The motion by Senator Hasegawa carried and floor amendment no. 438 was adopted by voice vote.

MOTION

On motion of Senator Hasegawa, the rules were suspended, Engrossed Substitute Senate Bill No. 5588 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5588.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5588 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Bailey

Excused: Senators Baumgartner and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 5588, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5251, by Senators Takko, Warnick, Rolfes, McCoy, Zeiger and Chase

Concerning tourism marketing.

MOTION

On motion of Senator Takko, Fourth Substitute Senate Bill No. 5251 was substituted for Senate Bill No. 5251 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Liias moved that the following floor amendment no. 568 by Senator Liias be adopted:

On page 3, line 4, after "representatives" strike "and the minority leader of the house of representatives"

On page 3, line 8, after "by the" strike "majority leader and minority leader of the senate" and insert "president of the senate"

On page 3, line 16, after "May 1, 2018," strike "each of the two largest caucuses in both the house of representatives and the senate must submit" and insert "the speaker of the house of representatives and the president of the senate must each submit"

On page 3, beginning on line 18, after "list of" strike "five" and insert "ten"

On page 3, line 21, after "The nominations from the" strike everything through "industry;" on page 3, line 33, and insert "speaker of the house of representatives must include at least one representative from the restaurant industry; one representative from the rental car industry; and one representative from the retail industry;

(c) The nominations from the president of the senate must include at least one representative from the hotel industry; one representative from the attractions industry; and one representative from the outdoor recreation industry;"

On page 3, beginning on line 34, strike "(f)" and insert "(d)"

On page 3, line 36, after "appoint" strike "two" and insert "four"

On page 3, line 37, after "by the" strike "caucuses" and insert "speaker of the house of representatives and the president of the senate"

On page 3, beginning on line 38, strike "(e)" and insert "(c)"

On page 3, line 38, after "subsection" strike "(2)(f)" and insert "(2)(d)"

On page 3, beginning on line 39, after "section." strike everything through "car businesses." on page 4, line 2

Senator Liias spoke in favor of adoption of the amendment.

Senator Fain spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 568 by Senator Liias on page 3, line 4 to Fourth Substitute Senate Bill No. 5251.

The motion by Senator Liias carried and floor amendment no. 568 was adopted by rising vote.

MOTION

On motion of Senator Takko, the rules were suspended, Engrossed Fourth Substitute Senate Bill No. 5251 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko, Braun, Chase, Mullet, Angel, Rivers and Bailey spoke in favor of passage of the bill.

Senator Ericksen spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Fourth Substitute Senate Bill No. 5251.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Fourth Substitute Senate Bill No. 5251 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short,

Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Baumgartner and Walsh

ENGROSSED FOURTH SUBSTITUTE SENATE BILL NO. 5251, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

SENATE BILL NO. 6079, by Senators Kuderer, Takko, Ranker, Rolfes, Cleveland, Hasegawa, Palumbo, Saldaña, Wellman, Darneille, Billig, Nelson, Dhingra, McCoy, Liias, Keiser, Hunt, Conway and Chase

Exempting public employee dates of birth from public disclosure requirements.

The bill was read on Third Reading.

Senators Kuderer and Hobbs spoke in favor of passage of the bill.

Senators Miloscia, Schoesler, O'Ban and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6079.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6079 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senators Baumgartner and Walsh

SENATE BILL NO. 6079, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6199, by Senate Committee on Health & Long Term Care (originally sponsored by Senators Cleveland, Conway, Miloscia, Keiser and Fortunato)

Concerning the individual provider employment administrator program. Revised for 1st Substitute: Concerning the consumer directed employer program.

The bill was read on Third Reading.

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Senators Cleveland and Conway spoke in favor of passage of the bill.

Senators Braun, Ericksen, Fain, Rivers, Angel and Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6199.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6199 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 21; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senators Baumgartner and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6199, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Lias, the Senate reverted to the sixth order of business.

PERSONAL PRIVILEGE

Senator Braun: "Thank you Mr. President. I didn't want to comment again on the last bill, but I would like to raise a point with my colleagues here. We had a very compelling statements from my colleague from the forty-ninth about her experience with unions and how they did good things for her family, and I certainly appreciate that. I want to point out two things: One, in my comments, I specifically did not say anything bad about SEIU, I said they have done, if fact if we go back and listen, I said they have done good things for folks, but this is a very difficult position for these folks and they deserve a choice, and I think that is a reasonable comment and not one that should give offense. And I would share my own personal experience with the body. So when I was four, a year younger than Senator Cleveland but a little longer ago I'm afraid, a union organized in my grandfather's business, they demanded terms that he could not meet and keep the doors open, and he was forced to close the doors. At that time twelve pattern makers, including my father, including my grandfather, were put out of a job. So it cuts both ways Mr. President. And yet, I don't take offense when folks advocate for unions because I think that unions have, on occasions, done good things. I have been a member of a union. My wife is currently a member of a union. The challenge Mr. President, is they take advantage of their position. They decide we are not just in the business of doing good for workers, which is a very noble, noble ambition. We are in the business on getting all kinds of other things that don't relate to work benefits, that don't relate to pay, that don't

relate to working conditions. And this is when we have trouble Mr. President. I think we have made that point, I think there is good discussion on both sides of the aisle, but when we decide that we are going to take personal offense every time we say something, every time we print something, in my brief five years here in the Senate, I have been on occasion called a terrorist. Very hard to take for someone who has now spent 29 years in the US military. I have been called a hostage taker as recently as last week. Our supporters are routinely referred to as racist and misogynist. These things happen all the time Mr. President. I try very hard not to take personal offense to this. I understand folks have principals and goals and are trying to advocate for those, but it goes two ways. If we are expected not to take offense to those things, that has to go two ways. We can not and we should not, as was done just yesterday with a piece of documentation I had published, we can not censor each others comments. Not when they are aimed at improving the dialogue and improving the knowledge of the citizens of our state. So I just ask the body to be a little, maybe less personally sensitive to our dialogue. Allow us to speak. And we should speak with decorum. You made good points Mr. President, but we shouldn't be oversensitive. Because in doing so, we don't allow each side to go after ideas, to defend or contradict those ideas, and that is what makes this institution great. Thank you, Mr. President."

REMARKS BY THE PRESIDENT

President Habib: "I want to address what Senator Braun just mentioned and a topic that has been a shadow over us for the last couple of days. I do want to say that in by belief, as the President heard it, is that Senator Cleveland's remarks really were related to the debate from the other night, and I think that we can all agree that the debate from the other night was not all of us at our best. I do want to say that I do appreciate, and I have had conversations with a number of members since that time, and I noticed and noted the marked difference in the debate this morning. And I do want to thank members for taking the guidance that I provided about how to be more respectful, even about a discussion that is very controversial or that we feel very strongly about. But I also want to say in response, or in reaction to Senator Braun's point, that what is important from the President's perspective, which ultimately is what determines whether the remarks will continue, or be found dilatory, is not the sensitivity of any one member in the chamber. I don't ask, nor do I need anybody to tell me they are sensitive or offended, it is the institution that can be offended. And it can be offended by any number of ways and those are set forth in your rules and how I interpret those rules. And so I do very much appreciate members listening to my guidance on how to avoid that offense to the institution, I do think this institution to the extent is sensitive it is a good thing, that is what distinguishes us from bloggers or tweeters online and keep the sacred nature of this debate as such as we debate issues and as majorities and minorities change over the years. And I am doing my best to try and preserve that and do it in a fair way and I appreciate Senators' cooperation. Thank you."

SECOND READING

SENATE BILL NO. 6353, by Senators Hunt, Billig, Kuderer,

Saldaña, Conway, Carlyle, Hasegawa, Dhingra, McCoy, Nelson, Mullet, Lias, Rolfes, Hobbs, Keiser, Cleveland, Chase, Darneille, Frockt, Palumbo, Van De Wege, Ranker, Wellman, Takko and Pedersen

Concerning procedures in order to automatically register citizens to vote.

MOTION

On motion of Senator Hunt, Third Substitute Senate Bill No. 6353 was substituted for Senate Bill No. 6353 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hunt moved that the following floor amendment no. 511 by Senator Hunt be adopted:

On page 4, line 35, after "for" insert "consenting"
 On page 5, line 1, after "older," insert "and"
 On page 5, line 2, after "citizens," strike "and do not decline the option,"
 On page 5, line 10, after "licensing" insert "and establish other criteria and procedures"
 On page 5, line 15, after "(4)" strike "The" and insert "Once the applicant has been registered to vote, the"
 On page 5, beginning on line 26, after "procedures." strike "If the exchange implements automatic voter registration, it shall do so as a qualified voter registration agency under sections 301 through 309 of this act."

Senators Hunt and Miloscia spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 511 by Senator Hunt on page 4, line 35 to Third Substitute Senate Bill No. 6353.

The motion by Senator Hunt carried and floor amendment no. 511 was adopted by voice vote.

MOTION

Senator Hunt moved that the following floor amendment no. 510 by Senator Hunt be adopted:

On page 9, after line 20, strike all of section 304
 Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Hunt and Miloscia spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 510 by Senator Hunt on page 9, line 20 to Third Substitute Senate Bill No. 6353.

The motion by Senator Hunt carried and floor amendment no. 510 was adopted by voice vote.

MOTION

Senator Rolfes moved that the following floor amendment no. 509 by Senator Rolfes be adopted:

On page 13, after line 5, strike all of part IV
 Renumber the remaining part and sections consecutively and correct any internal references accordingly.
 On page 1, line 8 of the title, after "penalties;" insert "and" and

after "date" strike "; and providing an expiration date"

Senators Rolfes and Miloscia spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 509 by Senator Rolfes on page 13, line 5 to Third Substitute Senate Bill No. 6353.

The motion by Senator Rolfes carried and floor amendment no. 509 was adopted by voice vote.

MOTION

Senator Miloscia moved that the following floor amendment no. 441 by Senator Miloscia be adopted:

On page 15, beginning on line 8, strike all of section 502
 Renumber the remaining section consecutively and correct any internal references accordingly.
 On page 1, line 4 of the title, after "29A.08.720," strike "29A.08.110, and 29A.08.710" and insert "and 29A.08.110"

Senator Miloscia spoke in favor of adoption of the amendment. Senators Hunt, Darneille and Frockt spoke against adoption of the amendment.

Senator Miloscia demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Miloscia on page 15, line 8, to Third Substitute Senate Bill No. 6353.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Miloscia and the amendment was adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senators Baumgartner and Walsh.

MOTION

Senator Zeiger moved that the following striking floor amendment no. 431 by Senator Zeiger be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 18. A new section is added to chapter 29A.08 RCW to read as follows:

A person age eighteen years or older who is a citizen of the United States applying for or renewing an enhanced driver's license or identocard issued under RCW 46.20.202 may be registered to vote or update voter registration information at the time of registration or renewal, by automated process if the department of licensing record associated with the applicant verifies United States citizenship, contains the data required for voter registration under RCW 29A.08.010, and includes a

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signature image. The person must be informed that his or her record will be used for voter registration, and offered an opportunity to decline to register.

NEW SECTION. Sec. 19. A new section is added to chapter 29A.08 RCW to read as follows:

(1) If the applicant in section 1 of this act does not decline registration, the application is submitted pursuant to RCW 29A.08.340.

(2) For each such application, the secretary of state must obtain a digital copy of the applicant's signature image from the department of licensing.

(3) The secretary of state may employ additional security measures to ensure the accuracy and integrity of voter registration applications submitted electronically.

NEW SECTION. Sec. 20. A new section is added to chapter 29A.08 RCW to read as follows:

(1) For persons age eighteen years and older registering under section 1 of this act, an application is considered complete only if it contains the information required by RCW 29A.08.010 and citizenship information. The applicant is considered to be registered to vote as of the original date of application or renewal of an enhanced driver's license or enhanced identicaid issued under RCW 46.20.202. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The United States postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice shall require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant shall be registered to vote as of the original date of application. The applicant shall not be placed on the official list of registered voters until the application is complete.

(3) If the prospective registration applicant declines to register to vote or the information provided by the department of licensing does not indicate citizenship, the information shall not be included on the list of registered voters.

NEW SECTION. Sec. 21. A new section is added to chapter 46.20 RCW to read as follows:

For persons eighteen years of age or older who the department has determined are citizens of the United States and who are applying for or renewing an enhanced driver's license or identicaid under RCW 46.20.202, and have not declined to register to vote, the department shall produce and transmit to the secretary of state the following information from the records of each individual: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, citizenship, and the date on which the application was submitted. The department and the secretary of state shall process information as an automated application on a daily basis.

Sec. 22. RCW 29A.08.350 and 2013 c 11 s 18 are each amended to read as follows:

The department of licensing shall produce and transmit to the secretary of state the following information from the records of

each individual who requested a voter registration or update at a driver's license facility: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, citizenship, and the date on which the application for voter registration or update was submitted. The secretary of state shall process the registrations and updates as an electronic application.

NEW SECTION. Sec. 23. This act takes effect July 1, 2019."

On page 1, line 3 of the title, after "vote;" strike the remainder of the title and insert "amending RCW 29A.08.350; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 46.20 RCW; and providing an effective date."

Senator Zeiger spoke in favor of adoption of the striking amendment.

Senator Hunt spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 431 by Senator Zeiger to Third Substitute Senate Bill No. 6353.

The motion by Senator Zeiger did not carry and striking floor amendment no. 431 was not adopted by voice vote.

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Third Substitute Senate Bill No. 6353 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Miloscia spoke in favor of passage of the bill.

Senator Fortunato spoke against passage of the bill.

Senator Padden spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Third Substitute Senate Bill No. 6353.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Third Substitute Senate Bill No. 6353 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Warnick, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Brown, Ericksen, Honeyford, King, Padden, Rivers, Schoesler, Short, Wagoner and Wilson

Excused: Senators Baumgartner and Walsh

ENGROSSED THIRD SUBSTITUTE SENATE BILL NO. 6353, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6413, by Senators Van De Wege, Wellman, Palumbo, Billig, Hunt, Kuderer, Saldaña and Chase

Reducing the use of certain toxic chemicals in firefighting activities.

MOTION

On motion of Senator Van De Wege, Substitute Senate Bill No. 6413 was substituted for Senate Bill No. 6413 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Ericksen moved that the following floor amendment no. 535 by Senator Ericksen be adopted:

On page 2, after line 21, insert the following:

"(3) Oil refineries are exempt from the restrictions in subsection (1) of this section for on-site firefighting purposes only. Oil refineries may not use substances restricted in subsection (1) of this section for any training purposes."

Senator Ericksen spoke in favor of adoption of the amendment. Senator Van De Wege spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 535 by Senator Ericksen on page 2, line 21 to Substitute Senate Bill No. 6413.

The motion by Senator Ericksen did not carry and floor amendment no. 535 was not adopted by voice vote.

MOTION

Senator Van De Wege moved that the following floor amendment no. 519 by Senator Van De Wege be adopted:

On page 2, line 28, after "chemicals" insert "and the reasons PFAS chemicals are added to the equipment"

Senator Van De Wege spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 519 by Senator Van De Wege on page 2, line 28 to Engrossed Substitute Senate Bill No. 6413.

The motion by Senator Van De Wege carried and floor amendment no. 519 was adopted by voice vote.

MOTION

On motion of Senator Van De Wege, the rules were suspended, Engrossed Substitute Senate Bill No. 6413 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Van De Wege spoke in favor of passage of the bill.

Senators Schoesler and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6413.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6413 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Short,

Takko, Van De Wege, Wellman, Wilson and Zeiger

Voting nay: Senators Bailey, Becker, Ericksen, Fortunato, Honeyford, Schoesler, Wagoner and Warnick

Excused: Senators Baumgartner and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6413, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5746, by Senators Kuderer and Pearson

Concerning the association of Washington generals.

The measure was read the second time.

MOTIONS

On motion of Senator Kuderer, Substitute Senate Bill No. 5746 was substituted for Senate Bill No. 5746 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kuderer, the rules were suspended, Substitute Senate Bill No. 5746 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and King spoke in favor of passage of the bill.

MOTION

On motion of Senator Saldaña, Senators Chase and Hobbs were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5746.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5746 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Baumgartner, Chase, Hobbs and Walsh

SUBSTITUTE SENATE BILL NO. 5746, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6437, by Senator King

Addressing the disposal of recreational vehicles abandoned on public property.

MOTIONS

THIRTY FOURTH DAY, FEBRUARY 10, 2018

2018 REGULAR SESSION

On motion of Senator King, Substitute Senate Bill No. 6437 was substituted for Senate Bill No. 6437 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 6437 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6437.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6437 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 0; Excused, 4.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Angel, Ericksen, Honeyford and O'Ban
Excused: Senators Baumgartner, Chase, Hobbs and Walsh

SUBSTITUTE SENATE BILL NO. 6437, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5700, by Senators Ranker, Rivers, Liias, Pedersen, Darneille, Chase and Kuderer

Requiring training for long-term care providers on the needs of the LGBTQ population.

MOTION

On motion of Senator Liias, Substitute Senate Bill No. 5700 was substituted for Senate Bill No. 5700 and the substitute bill was placed on the second reading and read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Rivers and without objection, floor amendment no. 359 by Senator Rivers on page , line to Substitute Senate Bill No. 5700 was withdrawn.

Strike everything after the enacting clause and insert the following:

"Sec. 24. RCW 74.39A.341 and 2015 c 152 s 3 are each amended to read as follows:

(1) All long-term care workers shall complete twelve hours of continuing education training in advanced training topics each

year. (~~This requirement applies beginning July 1, 2012.~~)

(2) Of the twelve hours of continuing education training required by subsection (1) of this section, time must be allocated for training on cultural competency issues. Cultural competency issues include issues related to race, gender, age, disability, the LGBTQ population, and other issues identified by the department. The training must promote an environment free of interference, coercion, discrimination, and retaliation.

(3) Completion of continuing education as required in this section is a prerequisite to maintaining home care aide certification under chapter 18.88B RCW.

~~((3))~~ (4) Unless voluntarily certified as a home care aide under chapter 18.88B RCW, subsection (1) of this section does not apply to:

(a) An individual provider caring only for his or her biological, step, or adoptive parent or child;

(b) Registered nurses and licensed practical nurses licensed under chapter 18.79 RCW;

~~(c) ((Before January 1, 2016, a long term care worker employed by a community residential service business;~~

~~(d))~~ (d) A person working as an individual provider who provides twenty hours or less of care for one person in any calendar month; or

~~((e))~~ (d) A person working as an individual provider who only provides respite services and works less than three hundred hours in any calendar year.

~~((4))~~ (5) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.

~~((5))~~ (6) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.

~~((6))~~ (7) The department of health shall adopt rules to implement subsection (1) of this section.

~~((7))~~ (8) The department shall adopt rules to implement subsections (2) and (3) of this section."

On page 1, line 2 of the title, after "population;" strike the remainder of the title and insert "and amending RCW 74.39A.341."

MOTION

On motion of Senator Liias, further consideration of Substitute Senate Bill No. 5700 was deferred and the bill held its place on the second reading calendar.

MOTION

At 12:19 p.m., on motion of Senator Liias, the Senate adjourned until 9:00 o'clock a.m. Monday, February 12, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

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